

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

SILVESTER HAYES,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 3:23cv2271-S
	§	
CITY OF DALLAS, et al.,	§	
	§	
Defendants.	§	

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**DEFENDANTS' MOTION TO EXTEND TIME  
TO RESPOND TO PLAINTIFF'S COMPLAINT**

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TO THE HONORABLE COURT:

Defendants Holly Harris and the City of Dallas (collectively, "Moving Defendants") file this Motion to Extend Time to Respond to Plaintiff's Complaint (Dkt. No. 1) to extend and consolidate the Moving Defendants' deadlines to answer or otherwise plead to December 1, 2023.

**I. BACKGROUND AND FACTS**

On October 16, 2023, Plaintiff Silvester Hayes filed this civil action under 42 U.S.C. § 1983, in which he complains about his interaction on October 16, 2021, with members of the Dallas Police Department on October 16, 2021. Hayes served the City with a summons and copy of the complaint on October 16, 2023; its responsive pleading is due November 6, 2023. Hayes served Defendant Harris with a summons and copy of the complaint on October 26, 2023; her responsive pleading is due November 16, 2023. Defendant Walter Guab has not been served. The Moving Defendants now move the Court to consolidate and extend their respective deadlines to December 1, 2023 to file their answers or other responsive pleadings to the complaint.

## II. ARGUMENTS AND AUTHORITIES

Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure controls extensions of time to file papers before the time has expired:

### **(b) Extending Time.**

**(1) *In General.*** When an act may or must be done within a specified time, the court may, for good cause, extend the time:

**(A)** with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires[.]

Here, good cause exists to grant the requested extension. Due to trials before Judge Godbey and Judge Lynn, defense counsel has not been able to meet with her clients to discuss the underlying facts of this case. The requested brief extension would promote judicial efficiency and permit adequate investigation of the Complaint's allegations to determine which factual issues are contested. Moving Defendants do not file this motion to delay these proceedings but to ensure justice. Accordingly, good cause exists to grant the Moving Defendants' request for an extension to December 1, 2023 to file responsive pleadings or motions under Rule 12 of the Federal Rules of Civil Procedure.

WHEREFORE, Defendants City of Dallas and Holly Harris respectfully ask the Court to grant this motion and enter an order extending the deadlines for them to respond to the Plaintiff's Complaint to December 1, 2023, and award any further relief consistent with this motion that the Court deems necessary and just.

Respectfully submitted,

CITY ATTORNEY OF THE CITY OF DALLAS

Tammy L. Palomino  
City Attorney

s/ Lindsay Wilson Gowin  
Lindsay Wilson Gowin  
Deputy Chief of Torts  
Texas State Bar No. 24111401  
[lindsay.gowin@dallas.gov](mailto:lindsay.gowin@dallas.gov)

Dallas City Hall 7DN  
1500 Marilla Street  
Dallas, Texas 75201  
Telephone: 214-670-3519  
Telecopier: 214-670-0622

*Attorneys for Defendant City of Dallas and Holly  
Harris*

### **CERTIFICATE OF CONFERENCE**

I certify that on November 6, 2023, I attempted to confer via email with Plaintiff's counsel Mark Robinius regarding this motion and the requested relief. I did not receive a response prior to filing this motion. In the event Mr. Robinius responds before the Court rules upon this motion, I will file an updated certificate of conference reflecting Plaintiff's position on the requested relief.

/s/ Lindsay Wilson Gowin  
Senior Assistant City Attorney

### **CERTIFICATE OF SERVICE**

I certify that on November 6, 2023, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to all attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Lindsay Wilson Gowin  
Senior Assistant City Attorney